

House File 165 - Introduced

HOUSE FILE 165

BY KAJTAZOVIC, KELLEY,
STECKMAN, and ISENHART

A BILL FOR

1 An Act authorizing the natural resource commission to limit the
2 types of ammunition that may be used to take wildlife in the
3 state.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 481A.38, subsection 1, paragraph a, Code
2 2013, is amended to read as follows:

3 a. The commission may upon its own motion and after an
4 investigation, alter, limit, or restrict the methods or means
5 employed and the instruments or equipment used, including
6 the types of ammunition that may be used, in taking wild
7 mammals, birds subject to section 481A.48, fish, reptiles,
8 and amphibians, if the investigation reveals that the action
9 would be desirable or beneficial in promoting the interests of
10 conservation, or the commission may, after an investigation
11 when it is found there is imminent danger of loss of fish
12 through natural causes, authorize the taking of fish by means
13 found advisable to salvage imperiled fish populations.

14 Sec. 2. Section 481A.38, subsection 1, Code 2013, is amended
15 by adding the following new paragraph:

16 NEW PARAGRAPH. c. Pursuant to its power as the sole agency
17 to determine the facts as to whether biological balance does or
18 does not exist and the power to regulate taking conditions in
19 accordance with sound fish and wildlife management principles
20 pursuant to section 481A.39, the commission may adopt rules
21 prohibiting the use of lead shot as ammunition for the purpose
22 of taking wildlife in this state.

23 Sec. 3. Section 481A.39, Code 2013, is amended to read as
24 follows:

25 **481A.39 Biological balance maintained.**

26 The commission is designated the sole agency to determine
27 the facts as to whether biological balance does or does not
28 exist. The commission shall, by administrative rule, extend,
29 shorten, open, or close seasons and set, increase, or reduce
30 catch limits, bag limits, size limits, possession limits, or
31 territorial limitations or further regulate taking conditions,
32 including the type of ammunition that may be used for taking
33 wildlife, in accordance with sound fish and wildlife management
34 principles.

35 EXPLANATION

1 This bill provides that the natural resource commission may,
2 upon its own motion and after an investigation, restrict the
3 equipment used in taking certain wildlife, including the types
4 of ammunition that may be used. The bill allows the natural
5 resource commission to adopt rules prohibiting the use of lead
6 shot as ammunition for the purpose of taking wildlife in this
7 state, pursuant to the commission's power as the sole agency
8 to determine the facts as to whether biological balance exists
9 and the power to regulate taking conditions in accordance
10 with sound fish and wildlife management principles. The bill
11 also specifies that the commission's power to regulate taking
12 conditions includes regulating the type of ammunition which may
13 be used for taking wildlife.

14 A violation of a rule adopted pursuant to the bill for
15 attempting to take or taking an animal would be punishable as
16 a scheduled violation under Code sections 805.8B(3)(f) and
17 805.8B(3)(g), with the amount of the fine dependent on the type
18 of wildlife that was taken or attempted to be taken.